

Interview Summary

Application No.

09/526,606

Applicant(s)

MANCINI ET AL.

Examiner

Alain L. Bashore

Art Unit

3624

All participants (applicant, applicant's representative, PTO personnel):

(1) Alain L. Bashore.

(3) _____.

(2) Mr. Kincart.

(4) _____.

Date of Interview: 15 August 2003.

Type: a) ☐ Telephonic b) ☐ Video Conference

c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: Newly proposed claims 40 and 48.

Identification of prior art discussed: N/A.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Limitations recited in claims 40 and 48 from proposed amendment (attached) were discussed and compared to the art in general.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Docket No. 3499-59

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mancini et al.

Filed: March 16, 2000

Group Art Unit: 2164

Serial No: 09/526,606

Examiner: BASHORE, ALAIN L.

For: ONLINE SALES RISK MANAGEMENT SYSTEM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**EXAMINER INTERVIEW OF AUGUST 15, 2003
IN RESPONSE TO THE AUGUST 5, 2003 OFFICE ACTION**

Sir:

In order to expedite the prosecution of the above case, I suggest the following points of discussion be addressed in the Examiner interview scheduled for August 15, 2003 at 9:30 A.M.. Each discussion point is based upon the Office Action mailed on August 5, 2003.

I. Overview of Invention

A. Prior to discussion of the merits of the rejections, some brief comments reviewing the invention may be helpful. In general, the present invention allows a seller of goods and services to participate in an international marketplace without being an expert in currency exchange. The benefit of not bearing the normal risks associated with affiliated currency exchange can be enormous. If profit margins are thin, a change in currency pricing could overwhelm any fiscal benefit a sale may bring. Sellers that are less sophisticated in currency exchange need a vehicle to be able to forecast the cost of doing business in foreign jurisdictions and price their goods and services accordingly.

The present invention supplies such a vehicle. The present invention provides systems and methods that can guarantee a currency exchange price that will be used for any transactions that involve the sale of those goods or services. With the guaranteed currency exchange price, the seller can in turn guarantee a price for their goods and services to a buyer. In order to remain manageable, the guaranteed currency exchange price is only applicable for amounts resulting from a sale of a particular seller's goods and services and limited to a predetermined time period.

Associating the currency exchange price to particular goods and services allows a currency exchange provider to better understand the magnitude and frequency of potential transactions, which can be useful in negotiating what the currency exchange price needs to be. So, for example, a currency exchange price that will be guaranteed to an automobile manufacturer dealing in the wholesale market may differ than a currency exchange price guaranteed to a retail seller of books. The car manufacturer will most likely have relatively few, high value transactions, while the book retailer will most likely have relatively many, low value transactions. By limiting a currency exchange price to goods from a particular seller, such factors can be taken into consideration in setting the currency exchange price.

Similarly, a predetermined time period during which a currency exchange price will be adhered can be based upon the types of goods or services offered for sale by a seller. To continue our example of the automobile manufacturer and the book retailer, the automobile manufacturer may have set times during which transactions take place, while the book retailer may experience an ongoing pattern of sales. Predetermined time periods can be set accordingly.

From a different point of view, a buyer also benefits from being able to view a price for a good or service in their local currency that will remain in effect for a given period of time. Pricing in local currency allows a buyer to readily ascertain a total cost that will be realized by them, without a requisite knowledge of foreign exchange markets. A set time period allows a buyer to make informed decisions on when a purchase should take place.

II. Distinguishing Over Boesch, Vandenbelt and Garber

III. Addressing 35 USC § 101 Concerns

- A. Include technological basis in claims.

IV. Addressing 35 USC § 112 Concerns

- A. Include apparatus language in the claims.

V. Draft of Suggested Claim Language

40. A computerized apparatus system to facilitate management of risk associated with conducting a transaction for goods and/or services conducted in multiple currencies, the computerized apparatus system comprising:

a host computer comprising a processor and a storage for digital data; and
executable software stored on the host computer storage and executable on demand via a network access device, the software operative with the host computer processor to cause the host computer to:
store in the host computer storage digital data identifying a seller of at least one of: goods and services;

store in the host computer storage digital data descriptive of a currency exchange price that relates a base currency to a foreign currency;

indicate in the host computer storage a period of time during which the currency exchange price will be adhered to for amounts exchanged as a result of one or more transactions which involve the sale of at least one of: goods and services, sold by the seller;

receive into the host computer storage digital data descriptive of two or more executed transactions, wherein the digital data descriptive of the one or more executed transactions comprises an indication that the transaction involved at least one of: goods and services sold by the seller, and also comprises an amount of the foreign currency transacted and the date the one or more transactions were executed;

determine that one or more of the executed transactions were executed during the period of time during which the currency exchange price will be adhered to; and

calculate an amount of foreign currency to be exchanged according to the currency exchange price comprising the amount of foreign currency transacted in the one or more transactions executed during the period of time during which the currency exchange price will be adhered to.

48. A computer implemented method for managing the impact of foreign exchange on the sale of a good or service in an online transaction, the method comprising the steps of:

receiving digital data into a computer storage, the digital data indicative of a currency exchange price that relates a cost to exchange a foreign currency into a base currency;

storing digital data in the computer memory comprising a price for one or more of: goods and services, wherein the price is denominated in the base currency;

receiving digital data into the computer storage comprising a period of time during which the currency exchange price will be adhered to by a currency exchange provider for any currency amounts involved in one or more transactions comprising one or more of: goods and services offered for sale by a particular seller, and executed during the period of time;

calculating a selling price with a processor operative with executable software, the selling price comprising a price for the one or more of: goods and services, denominated in the foreign currency and based upon the price for the one or more of: goods and services denominated in the base currency and the currency exchange price; and

outputting digital data comprising an offer for sale for the one or more of: goods and services, wherein the offer for sale comprises the selling price denominated in the foreign currency and the time period during which the offer for sale is effective is based upon the period of time during which the currency exchange price will be adhered to.